



Reprinted
February 23, 1999

HOUSE BILL No. 1405

DIGEST OF HB 1405 (Updated February 22, 1999 5:30 pm - DI 75)

Citations Affected: IC 20-3; noncode.

Synopsis: Gary school board elections. Provides that the general statute relating to the manner in which the governing body of a school corporation is constituted does not apply to the governing body of the Gary school corporation. Provides that the governing body may reorganize under the general statute after June 30, 2009. Provides standards for election of the members of the governing body of the Gary school corporation on a nonpartisan basis. Provides that the county election board shall impose a civil penalty of \$1,000 on a person that violates the standards. Provides for the election of the seventh member of the governing body who may reside anywhere within the school corporation by all the voters of the school corporation. (Under current law, the seventh member is appointed by the mayor of Gary.) Requires a local public question to be placed on the ballot in a special election held at the time of the 2000 primary
(Continued next page)

Effective: July 1, 1999.

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January 12, 1999, read first time and referred to Committee on Elections and Apportionment.
February 18, 1999, amended, reported — Do Pass.
February 22, 1999, read second time, amended, ordered engrossed.

HB 1405—LS 6338/DI 75+



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Digest Continued

election asking the voters of the city of Gary whether the members of the library board should be elected by the voters of the city. Makes technical changes.

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HB 1405—LS 6338/DI 75+



Reprinted
February 23, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1405

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-3-21-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) **Except as**
3 **provided in subsection (b), IC 20-4-10.1 does not apply to a school**
4 **corporation or the governing body of a school corporation covered**
5 **by this chapter. applies to a school corporation for which a referendum**
6 **has been held:**

7 (1) as required by statute; and

8 (2) in which a majority of the votes cast approve electing the
9 members of the governing body.

10 (b) **The governing body of a school corporation covered by this**
11 **chapter may reorganize under IC 20-4-10.1 after June 30, 2009. If**
12 **the governing body of the school corporation reorganizes under**
13 **this subsection the following apply:**

14 (1) **This chapter does not apply to the manner in which the**
15 **governing body is constituted.**

16 (2) **The manner in which the governing body is constituted is**
17 **as provided in the plan adopted under IC 20-4-10.1.**

HB 1405—LS 6338/DI 75+



SECTION 2. IC 20-3-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) The governing body of the school corporation consists of seven (7) members ~~Six (6) members who~~ shall be elected as follows:

- (1) On a nonpartisan basis.
- (2) In a primary election held in the county.
- (3) At-large by the registered voters of the entire school corporation.

(b) The membership shall be comprised of the following:

(1) ~~Each of six (6) of the members shall be elected from must reside in one (1) of the six (6) school districts drawn under section 4 of this chapter. in which the members reside but who shall, upon election and in conducting the business of the governing body, represent the interests of the entire school corporation.~~

(2) ~~One (1) of the members shall be appointed by the mayor of the largest city contained within the school corporation. The member must have knowledge or experience and be familiar with issues related to school business, school finance, and school administration. The member must have resided within the school corporation boundaries the previous five (5) years. may reside in any of the districts drawn under section 4 of this chapter.~~

Upon election and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.

SECTION 3. IC 20-3-21-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.5. (a) Section 3(a)(1) of this chapter relating to election of members on the governing body on a nonpartisan basis requires the following:

(1) A candidate for election to the governing body may not do any of the following:

(A) Seek the endorsement or assistance of a political party in the candidate's election to the governing body.

(B) State in any campaign communications that the candidate is endorsed by a political party, an individual who holds a public office, or an individual seeking election to a public office.

(2) A political party may not directly or indirectly campaign for or against a candidate for election to the governing body.

(b) The county election board shall impose a civil penalty:

(1) on a candidate or another person who violates this subdivision; and



(2) of one thousand dollars (\$1,000) plus any investigative costs incurred and documented by the board.

(c) Subject to this section, IC 3-9-4-17 applies to proceedings relating to a violation of this section.

SECTION 4. IC 20-3-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) The six (6) members who are elected for a position on the governing body described under section 3(b)(1) of this chapter are determined as follows:

(1) Each candidate must file a nomination petition with the clerk of the circuit court at least seventy-four (74) days before the election at which the members are to be elected and that includes the following information:

(A) The name of the candidate.

(B) The district in which the candidate resides.

(C) The signatures of at least one hundred (100) registered voters residing within the school corporation.

(D) The fact that the candidate is running for a district position.

(E) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation may vote for a candidate.

(3) The candidate within each particular district who receives the greatest number of votes within the school corporation is elected.

(b) The member who is elected for a position on the governing body described under section 3(b)(2) of this chapter is determined as follows:

(1) Each candidate must file a nomination petition with the clerk of the circuit court at least seventy-four (74) days before the election at which the at-large member is to be elected. The petition must include the following information:

(A) The name of the candidate.

(B) The signatures of at least one hundred (100) registered voters residing within the school corporation.

(C) The fact that the candidate is running for the at-large position on the governing body.

(D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation may vote for a candidate.

(3) The candidate who:



1 (A) runs for the at-large position on the governing body;
 2 and
 3 (B) receives the greatest number of votes within the school
 4 corporation;
 5 is elected to the at-large position.

6 SECTION 5. IC 20-3-21-6 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. The following
 8 applies to (a) A candidate who runs for a position on the governing
 9 body

10 (1) The candidate described under section 3(b)(1) of this
 11 chapter must reside within the boundaries of the school
 12 corporation

13 (2) The candidate must file a nomination petition with the clerk
 14 of the circuit court at least seventy-four (74) days before the
 15 election at which the member is to be elected. The petition must
 16 include the following information:

17 (A) The name of the candidate;

18 (B) The signatures of at least one hundred (100) registered
 19 voters residing within the school corporation;

20 (C) A certification that the candidate meets the qualifications
 21 for candidacy imposed by this chapter.

22 (3) Eligible voters residing within the boundaries of the school
 23 corporation may vote for the candidate.

24 (4) The candidate who receives the greatest number of votes is
 25 elected.

26 district for which the candidate filed.

27 (b) A candidate who runs for the at-large position on the
 28 governing body described in section 3(b)(2) of this chapter must
 29 reside within the boundaries of the school corporation.

30 SECTION 6. IC 20-3-21-9 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. The members shall
 32 be elected as follows:

33 (1) Three (3) of the members elected under section 3(b)(1) of this
 34 chapter shall be elected at the primary election to be held in 1992
 35 2000 and every four (4) years thereafter.

36 (2) Three (3) of the members elected under section 3(b)(1) of this
 37 chapter shall be elected at the primary election to be held in 1994
 38 2002 and every four (4) years thereafter.

39 (3) The at-large member elected under section 3(b)(2) of this
 40 chapter shall be elected at the primary election to be held in
 41 2000 and every four (4) years thereafter.

42 SECTION 7. IC 20-3-21-10 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. ~~Except for a member appointed under section 3(b)(2) of this chapter,~~ A vacancy on the governing body shall be filled temporarily by the governing body as soon as practicable after the vacancy occurs.

SECTION 8. [EFFECTIVE JULY 1, 1999] (a) As used in this SECTION, "governing body" refers to the governing body of a school corporation covered by IC 20-3-21, as amended by this act.

(b) The successors of the members of the governing body elected at the 1998 primary election shall be elected at the 2002 primary election under IC 20-3-21, as amended by this act.

(c) The successors of the members of the governing body not elected at the 1998 primary election shall be elected at the 2000 primary election under IC 20-3-21, as amended by this act.

(d) This SECTION expires January 1, 2003.

SECTION 9. [EFFECTIVE JULY 1, 1999] (a) As used in this section, "city" refers to a city having a population of more than one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000).

(b) As used in this SECTION, "county election board" refers to the county election board of a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(c) As used in this SECTION, "library board" refers to the library board for a public library of a city.

(d) A local public question shall be placed on the ballot at a special election held in a city on May 2, 2000, asking voters who reside within the city whether the members of the library board should be elected by the voters in the city. The public question must read as follows:

"Shall the members of the _____ (insert the name of the city) Public Library Board be elected by the voters of the City of _____ (insert the name of the city)?"

(e) Above the public question stated in subsection (d) the county election board shall place the following statement:

"Election of the members of the Library Board requires passage of a law by the Indiana General Assembly. The results of the election are advisory only. The General Assembly is not required to act or refrain from acting based on the outcome of the vote on this question."

(f) The county election board shall tabulate the votes cast on the public question described in this SECTION and certify the results under IC 3-12-4-9. The county election board shall send a copy of



- 1 **the certification to the following:**
2 **(1) The mayor of the city.**
3 **(2) The members of the library board.**
4 **(3) The speaker of the house of representatives.**
5 **(4) The president pro tempore of the senate.**
6 **(g) Subject to this SECTION, IC 3-10-8 and IC 3-10-9 apply to**
7 **the special election required by this SECTION.**
8 **(h) This SECTION expires January 1, 2001.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1405, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1405 as introduced.)

KROMKOWSKI, Chair

Committee Vote: yeas 12, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1405 be amended to read as follows:

Page 5, after line 14, begin a new paragraph and insert:

"SECTION 9. [EFFECTIVE JULY 1, 1999] (a) As used in this section, "city" refers to a city having a population of more than one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000).

(b) As used in this SECTION, "county election board" refers to the county election board of a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(c) As used in this SECTION, "library board" refers to the library board for a public library of a city.

(d) A local public question shall be placed on the ballot at a special election held in a city on May 2, 2000, asking voters who reside within the city whether the members of the library board should be elected by the voters in the city. The public question must read as follows:

"Shall the members of the _____ (insert the name of the city) Public Library Board be elected by the voters of the City of _____ (insert the name of the city)?"

(e) Above the public question stated in subsection (d) the county election board shall place the following statement:

"Election of the members of the Library Board requires passage of a law by the Indiana General Assembly. The results of the election are advisory only. The General Assembly is not required to act or refrain from acting based on the outcome of the vote on this question."

(f) The county election board shall tabulate the votes cast on the public question described in this SECTION and certify the results under IC 3-12-4-9. The county election board shall send a copy of the certification to the following:

- (1) The mayor of the city.**
- (2) The members of the library board.**
- (3) The speaker of the house of representatives.**
- (4) The president pro tempore of the senate.**

(g) Subject to this SECTION, IC 3-10-8 and IC 3-10-9 apply to the special election required by this SECTION.



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(h) This SECTION expires January 1, 2001."

(Reference is to HB 1405 as printed February 19, 1999.)

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